IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2074 of 2001

with

SPECIAL CIVIL APPLICATION No 2420 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

R.D.COMPUTERISE WEIGH BRIDGE

Versus

CHIEF ENGINEER OFFICE OF THE G.I.D.C.

Appearance:

1. Special Civil Application No. 2074 of 2001
MR. N.C. THAKKAR for MR NC SHAH for Petitioner
MR NV ANJARIA for Respondent No. 1
MR VIMAL M PATEL for Respondent No. 3

2. Special Civil ApplicationNo 2420 of 2001
MR MP PRAJAPATI for Petitioner
MR NV ANJARIA for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 12/06/2001

COMMON ORAL JUDGEMENT

1. Dharmendra D. Patel, petitioner, has been running authorised M/s. R.D. Computerise Weigh Bridge, has filed this petition under Article 226 of the Constitution of India. The facts are taken from Special Civil Application No. 2074 of 2001.

2. It is averred in the petition that Modi Chemical Industries, respondent No. 3, continued to run unauthorised weigh bridge in the industrial plot for years together. Thereafter, with a view to cool down the matter M/s. Modi Chemical Industries, respondent No. 3, removed the unauthorised weigh bridge for few months. It is further alleged in the petition that respondent No. 3 is going to restart the said authorised weigh bridge in the same industrial plot again and the Executive Engineer, G.I.D.C. Ankleshwar, is trying to get the unauthorised construction regularised. This petition is filed somewhere in March, 2001. This court has admitted the matters and issued notice as to interim relief and also granted interim relief in terms of para 12(D) on 21.3.2001.

3. Mr. Patel on behalf of respondent No. 3, has produced a letter dated 28.3.2001 and stated that respondent No. 3 has removed weigh bridge on 10.3.2001 and the same is sold, there is no commercial activity going in the said plot of land. Mr. Patel also stated that the petitions are based on an apprehension that the weigh bridge is likely to be started. In view of the apprehension of the petitioners, the petitions are not well founded and no cause of action survives in the petitions and therefore the petitions are required to be rejected at this stage.

4. In view of the submissions made by the learned counsel Mr. Patel and in view of the letter dated 28.3.2001, the grievance of the petitioner does not survive and the petitions are rejected only on the ground that the same are based on apprehension. Rule is discharged. Interim relief stands vacated in each petition. No order as to costs.

(K.M. MEHTA, J)

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